

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEONARD HIGGINS,

Plaintiff,

v.

SPX CORPORATION,

Defendant.

Case No. 1:05-CV-127

Hon. Richard Alan Enslen

ORDER

This matter is before the Court on Defendant's Motion for Guidance Regarding the Court's June 5, 2006 Order which required Defendant to pay Plaintiff certain litigation expenses and "fees on fees." Defendant requests the Court clarify its obligations under the Order, specifically whether (1) the Court ordered Defendant to pay "fees on fees" only for the attorneys' fees Plaintiff incurred to obtain SPX's payment of Higgins' existing and future Brazilian litigation expenses, and (2) whether SPX is obligated to continue making advanced attorneys' fees payments to Plaintiff for the cost of his lawyers to pursue Plaintiff's indemnification claims and tort claims (the latter added in Plaintiff's Amended Complaint).

After review, the Court finds that its Order did not contemplate Defendant making continued advanced fees on fees payments to Plaintiff. Defendant was ordered to advance only Plaintiff's litigation expenses (those already accumulated and those yet to occur). The Court did not order Defendants to advance fees on fees, rather Defendants were ordered to pay a one time award of fees on fees. Furthermore, the purpose of awarding fees on fees is to reimburse Plaintiff for litigation expenses, including attorneys' fees, incurred in the process of obtaining the desired award of

litigation expenses. Plaintiff was awarded the litigation expenses at issue in his previous Motion for Advancement and therefore, has no basis under the Order for a continuing award of fees on fees.

THEREFORE, IT IS HEREBY ORDERED that Defendant SPX Corporation's Motion for Guidance Regarding the Court's June 5, 2006 Order (Dkt. No. 86) is **GRANTED**.

DATED in Kalamazoo, MI:
December 14, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE